

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

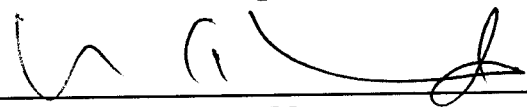
'08 MJ 8395

UNITED STATES OF AMERICA,) Magistrate Case No.:
)
Plaintiff,) COMPLAINT FOR VIOLATION OF
)
v.) Title 8, U.S.C., § 1326
) Attempted Entry After
Dael MELENDEZ-Chapas,) Deportation (Felony)
)
Defendant.)

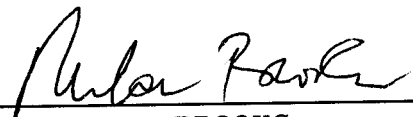
The undersigned complainant being duly sworn states:

On or about May 8, 2008, within the Southern District of California, defendant Dael MELENDEZ-Chapas, an alien, knowingly and intentionally attempted to enter the United States of America with the purpose, i.e. conscious desire, to enter the United States without the express consent of the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, after having been previously excluded, deported and removed from the United States to Honduras, and not having obtained said express consent to reapply for admission thereto; and committed an overt act, to wit, crossing the border from Mexico into the United States, that was a substantial step towards committing the offense, all in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached Statement of Facts, which is incorporated herein by reference.


MARCO A. MIRANDA
Senior Border Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 9TH DAY
OF MAY 2008.


RUBEN B. BROOKS
UNITED STATES MAGISTRATE JUDGE

1 UNITED STATES OF AMERICA

2 v.

3 Dael MELENDEZ-Chapas

4 STATEMENT OF FACTS

5 The complainant states that this complaint is based upon the statements of the
6 apprehending Border Patrol Agent, R. Demara, that the Defendant was arrested on May 8, 2008
7 east of Calexico, California.

8 Agent Demara was performing his assigned Border Patrol duties approximately 7 miles
9 east of the downtown Calexico, California Port of Entry. At approximately 3:45 a.m. the Remote
10 Video Surveillance Systems (RVSS) operators observed two individuals cross the United
11 States/Mexico International Boundary. The RVSS operator maintained constant visual of the pair
12 as they ran north. Agent Demara responded to the area. The RVSS operator guided Agent
13 Demara to the pair's location. Agent Demara found the subjects one later identified as, Dael
14 MELENDEZ-Chapas. Agent Demara identified himself as a United States Border Patrol Agent
15 and questioned him as to his immigration status. MELENDEZ-Chapas stated that he was a
16 citizen of Mexico illegally in the United States. MELENDEZ-Chapas was arrested and
17 transported to the Calexico Border Patrol Station for further processing.

18 Record checks revealed that an Immigration Judge ordered MELENDEZ-Chapas
19 deported. Record checks also revealed MELENDEZ-Chapas was not a citizen of Mexico, but a
20 citizen of Honduras. MELENDEZ-Chapas was ordered deported on July 31, 2001. Record
21 checks revealed that MELENDEZ-Chapas has an extensive criminal record.

22 There is no evidence MELENDEZ-Chapas has sought or received permission from the
23 Attorney General or the Secretary of the Department of Homeland Security to re-enter the United
24 States.